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# REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

## Developments in the United Nations system concerning HIV and AIDS
## Report of the Secretary-General

CONTENTS

| | Paragraphs | Page |
|---|---|---|
| Introduction | 1 - 4 | 2 |
| I. BACKGROUND | 5 - 9 | 3 |
| II. THE "CONSENSUS" OPTION | 10 - 27 | 3 |
| A. Global level | 23 - 24 | 6 |
| B. National level | 25 | 6 |
| C. Regional level | 26 - 27 | 6 |
| III. LATEST DEVELOPMENTS | 28 - 34 | 7 |
| IV. CONCLUSIONS AND RECOMMENDATIONS | 35 - 39 | 7 |

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## Introduction

1. This report has been prepared in accordance with Sub-Commission resolution 1993/31 of 25 August 1993, requesting the Secretary-General to report to the Sub-Commission at its forty-sixth session on developments in the United Nations system following the adoption of World Health Assembly resolution WHA 46.37 of 14 May 1993 concerning the possibility of establishing a joint United Nations programme on HIV and AIDS.

2. The World Health Assembly, in its resolution WHA 46.37 of 14 May 1994, requested the Director-General of the World Health Organization to consider the economic and organizational benefits - to Member States and the United Nations system - of a joint and co-sponsored United Nations programme on HIV and AIDS, designed to:

(a) Provide the co-sponsoring agencies with technical, strategic and policy directions;

(b) Collaborate with other organizations of the United Nations system, Governments and non-governmental agencies on matters related to HIV and AIDS;

(c) Strengthen Governments' capacity to coordinate HIV/AIDS activities at the national level.

3. In the same resolution, the World Health Assembly also requested the Director-General to study the feasibility and practicability of establishing such a programme, giving particular attention to:

(a) The anticipated growth and consequences of the pandemic over the next two decades;

(b) The likely level of resources available for actions in relation to HIV and AIDS over the next decade;

(c) The practical arrangements for establishing such a programme, including management systems and structures;

(d) The need to have global leadership for a coordinated international response to the pandemic.

4. The World Health Assembly further requested the Director-General of the World Health Organization on the basis of consultations with the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the United Nations Educational, Scientific and Cultural Organization, the World Bank and other relevant international organizations, non-governmental organizations and Member States, to develop options for a co-sponsored programme, with the active participation of the Task Force on HIV/AIDS Coordination established by the Management Committee of the WHO Global Programme on AIDS. The Director-General was also requested to report on the outcome of the consultative process to the ninety-third session of the WHO Executive Board in January 1994.

## I. BACKGROUND

5. In the late 1980s and early 1990s the first impact of AIDS not only as a health problem but as an obstacle to economic development was recognized by international and national organizations worldwide. Because of the seriousness of the pandemic, HIV/AIDS is believed to be an area where optimal coordination of the United Nations system is acutely needed, so as to effectively tackle the problem.

6. Within the United Nations system the Inter-Agency Advisory Group on HIV/AIDS (IAAG), established in the late 1980s, has principally been carrying out the task of coordinating HIV/AIDS-related activities at a global level. In addition, the Management Committee of the Global Programme on AIDS set up a 12-member Task Force on HIV/AIDS coordination in November 1992, comprising equal representation from donor Governments, Governments cooperating with external support agencies, organizations of the United Nations system and non-governmental organizations.

7. Notwithstanding the progress in improved coordination within the United Nations system, concern about the lack of consistent and effective coordination between organizations of the United Nations system has been expressed by developing countries and donor countries in various reports and evaluations in the past years. In addition, a number of substantive matters related to HIV/AIDS made coordinated action imperative.

8. The report of the Director-General of the World Health Organization, as contained in WHO document EB93/27, listed some of the factors which heighten the need for an effective and coordinated approach to the pandemic as follows: continuing widespread complacency about and denial of the pandemic's current and expected magnitude; the disproportionate effect of HIV/AIDS among more vulnerable populations, the growing and deleterious impact of HIV/AIDS on women; the multifaceted problems faced by persons with HIV/AIDS, including discrimination and violation of their human rights, the overwhelming burden of AIDS on health care systems; the demographic, social and economic impact of the pandemic and the unlikelihood of a cure or vaccine in the near future, thus placing even greater importance on the need to change behaviour and practices.

9. Consequently, the World Health Assembly, at its forty-sixth session, adopted resolution WHA 46.37, which constituted a first step towards concrete measures to be taken with regard to a joint and co-sponsored United Nations programme on HIV/AIDS far beyond the scope of inter-agency cooperation within IAAG.

## II. THE "CONSENSUS" OPTION

10. In accordance with the World Health Assembly's request to present a progress report to the ninety-third session of the WHO Executive Board in January 1994, an inter-agency working group comprising representatives from the six organizations (WHO, UNDP, UNICEF, UNFPA, UNESCO and the World Bank) cited in resolution WHA 46.37 met regularly between May 1993 and January 1994. These six agencies constitute the so-called "co-sponsors" of the future joint and co-sponsored programme. In October 1993, the Secretary-General of the

United Nations convened a meeting of the executive heads of the six co-sponsors to discuss the study.

11. The inter-agency working group prepared a proposal, as contained in WHO document EB93/INF.DOC./5 of 21 December 1993, describing three options (A, B and C) for establishing a United Nations joint and co-sponsored programme on HIV/AIDS.

12. During its deliberations, the inter-agency working group reviewed the structure, function and governance of a number of joint programmes and co-sponsorship arrangements within the United Nations system. Several important shortcomings, which the joint programme should attempt to overcome, were identified as follows: ineffective links between accepted global policies and strategies and action at country level; provision of conflicting technical advice; conflicting interpretations of each other's mandates and areas of expertise; competition for financial resources; insufficient coordination of input to different ministries at country level and slow response to the pandemic.

13. As a result of these inter-agency meetings, basic underlying principles, which are to guide the joint and co-sponsored programme, were agreed upon. Firstly, the HIV/AIDS pandemic requires a comprehensive, multidimensional response at global and country levels, of which the United Nations system, Governments, bilateral assistance agencies, community-based organizations and persons infected with HIV/AIDS are all part. Secondly, the broad objective of a joint and co-sponsored programme should be to enhance the capacity of the United Nations system to contribute to this overall response in an effective, coordinated and accountable manner.

14. Furthermore, other basic principles of inter-agency cooperation in the field of HIV/AIDS were identified as follows:

(a) All options should be built on gains made thus far;

(b) The programme should involve the whole United Nations system;

(c) Support of bilateral agencies, other inter-governmental and non-governmental organizations should be sought;

(d) A commitment to a collaborative relationship is required; and most importantly,

(e) The programme should, in the first instance, serve to reinforce national capacities to respond to the pandemic.

15. In other words, through the provision of technical and financial assistance and collaboration with Governments in order to mobilize the widest possible range of sectors and institutions, together with communities most affected by the pandemic, and with the assistance of national control strategies, the joint and co-sponsored programme will support the national mechanisms already in place, including multisectoral planning processes, national AIDS commissions and technical subcommittees. It is important to bear in mind that the United Nations system, in providing this support,

recognizes national Governments as the overall coordinators of HIV/AIDS activities at the national level.

16. The basic principles of the joint and co-sponsored programme, as outlined above, were elaborated with General Assembly resolution 47/199 of 22 December 1992 in mind. That resolution indicated that an effective functioning of any co-sponsored arrangements depended on the following factors: the commitment of the organizations to work together; country activities tailored to specific needs; maintenance of separate identities and mandates of organizations; action within a framework of improved division of labour; and avoidance of additional bureaucratic layers. At country level, therefore, the basic structure of the programme would be consistent with those guidelines set out in the General Assembly resolution.

17. At the global level, and as stated in the inter-agency working group proposal, the programme would strengthen national efforts by promoting consensus within the United Nations system, and among external support agencies, on policy and programmatic approaches related to the pandemic. It would also serve as a global advocate for greater political commitment in responding to the pandemic at all levels and in all countries, including through the allocation of more resources to HIV/AIDS-related activities.

18. In addition, the United Nations programme would make efforts to ensure that national responses to the pandemic include measures to counteract practices that discriminate against HIV-positive people or deny their human rights. It would further encourage and facilitate the involvement of non-governmental organizations, community-based organizations and persons with HIV/AIDS in the planning and implementation of HIV/AIDS activities. Lastly, it would act as a global advocate and leader in encouraging Governments to provide sufficient political and financial support for the national response.

19. All three options A, B and C, as outlined in the inter-agency working group study as mentioned above, contain approaches for achieving consensus on important policy and strategic matters, governance, coordinated fund-raising and assurance of accountability. They differed in the extent to which activities are conducted by a centralized secretariat or directly by one of the co-sponsors.

20. Option A, however, clearly emerged as the preferred option, the "consensus" option. Consequently, the Director-General of the World Health Organization, in his report to the WHO Executive Board, as contained in WHO document EB93/27 invited the Executive Board to consider the establishment of a joint and co-sponsored United Nations programme on HIV/AIDS in accordance with the preferred option and the measures proposed to launch it.

21. After consideration of the above-mentioned report of the Director-General, the WHO Executive Board, at its ninety-third session, adopted resolution EB93.R5 of 21 January 1994, and recommended the development and eventual establishment of a joint and co-sponsored United Nations programme on HIV/AIDS, to be administered by WHO, in accordance with the consensus option.

22. In the same resolution, the Executive Board requested the Director-General to explore, with the Secretary-General of the United Nations and the executive heads of the co-sponsoring bodies, ways and means to facilitate the further development of this consensus option actively involving the Task Force on HIV/AIDS Coordination of the Management Committee of the WHO Global Programme on AIDS in this process. The Director-General was further requested to invite the Secretary-General to recommend to the Economic and Social Council that it endorse the establishment of this programme at its substantive session of 1994.

### A. Global level

23. In compliance with resolution EB93.R5, the Director-General of WHO prepared a report highlighting the key aspects of the consensus option. Under this option, WHO would administer a global, unified, inter-agency secretariat which would provide overall direction for the programme and assume overall responsibility for policy and technical guidance for the United Nations system. As part of this overall management and coordination, the protection of human rights has been foreseen as one of the functions of the inter-agency secretariat. The WHO Global Programme on AIDS would be integrated into the joint programme.

24. A programme coordinating board, consisting of representatives of donor Governments, developing countries, United Nations bodies and organs and non-governmental organizations, would govern the programme. The advisory body to the programme would consist of a committee of co-sponsoring organizations and a technical advisory group. To raise resources, a single global programme budget would be drawn up.

### B. National level

25. The proposed coordination structure at the national level applies the general process of reform of the United Nations now under way, as reflected in General Assembly resolution 47/199. A theme group at the national level, consisting of all co-sponsors, other United Nations agencies, bilateral aid agencies, non-governmental organizations and national institutions would cooperate with the Government concerned to develop a national action plan in response to the pandemic, which would serve primarily to strengthen national coordination mechanisms already in place. The organizations of the United Nations system in each country would work together to ensure that all aspects of the national plan receive adequate funding.

### C. Regional level

26. Due to the varying regional structures of each of the six co-sponsors, the joint programme on HIV/AIDS will essentially operate only at global and national levels and no particular regional *modus operandi* is foreseen at present.

27. Full implementation of the programme is scheduled for January 1996.

## III. LATEST DEVELOPMENTS

28. The respective governing boards of UNESCO, UNICEF and UNDP have also, at their last meetings, endorsed the report outlining the preferred option for the joint and co-sponsored programme.

29. The Inter-Agency Advisory Group took note of the recent developments with regard to the establishment of a joint and co-sponsored United Nations programme on HIV/AIDS at its seventh session in April 1994.

30. The World Health Assembly, at its forty-seventh session, took note of the progress report submitted by the Director-General of WHO, as contained in WHO document A47/15.

31. The Management Committee of the WHO Global Programme on AIDS, at its tenth meeting, in May 1994, took note with satisfaction of the commitment of the six agencies of the United Nations system to the process of establishing a joint and co-sponsored United Nations programme on HIV/AIDS.

32. In the view of the Management Committee there are, however, still important issues to be clarified to facilitate a final decision. These include additional information on the purpose and functions of the joint and co-sponsored programme and indicators of the co-sponsors' commitment to the programme and to contributions of human and financial resources. It recommended to the Director-General to request the inter-agency working group to produce an information document for the forthcoming 1994 session of the Economic and Social Council, containing this additional information as well as an outline of governance, a mission statement and transitional arrangements.

33. In addition, the Management Committee recommended that the Director-General request all six agencies to provide clear statements prior to discussion at the Economic and Social Council on their commitment to join the joint and co-sponsored programme.

34. The Task Force on HIV/AIDS Coordination, at its fifth meeting, from 27 to 28 May 1994, recommended that the joint and co-sponsored United Nations programme on HIV/AIDS should:

(a) Put emphasis on expertise and advocacy of human rights aspects and pursue the development of indicators and monitoring of human rights issues in connection with, for example, the formulation and review of medium-term plans; and

(b) develop a partnership between the public health community and the human rights community.

## IV. CONCLUSIONS AND RECOMMENDATIONS

35. In the light of the above, the implications of the joint and co-sponsored programme may be briefly summarized as follows:

(a) Elimination of duplication of efforts, so as to ensure consistency;

(b) Day-to-day interaction, as well as integration of ideas and approaches systemwide and beyond;

(c) Assistance to Governments in coordinating the efforts of various external support agencies;

(d) Joint and coordinated fund-raising at global and national levels;

(e) Consistency with the coordination mechanisms adopted by the General Assembly and in line with reform of the United Nations system in that regard.

36. At this stage of development of the joint and co-sponsored programme it has become apparent that a clear human rights perspective within the proposed programme is lacking. The Sub-Commission may, therefore, wish to consider making suggestions on how to ensure that a strong human rights component is integrated in the joint and co-sponsored United Nations programme on HIV and AIDS.

37. In this context, the members of the Sub-Commission may wish to reflect on ways in which national action plans may take into account measures to combat discrimination on the grounds of HIV/AIDS, such as reviewing domestic legislation, briefing national institutions for the promotion and protection of human rights on the elimination of HIV/AIDS-related discrimination and initiating public information campaigns on the human rights implications of HIV/AIDS.

38. The Sub-Commission may further wish to request the Centre for Human Rights, within the framework of its inter-agency activities, to initiate a meeting of all interested United Nations bodies and organs, including the current co-sponsors of the joint and co-sponsored programme, in order to discuss ways and means of injecting a human rights component into the proposed programme.

39. The Sub-Commission may also wish to consider recommending that the Commission on Human Rights, at its fifty-first session, take up the discussion on how to incorporate an effective human rights component into the proposed joint and co-sponsored United Nations programme on HIV/AIDS.

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